

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**WPEM, LLC,
Plaintiff,**

v.

**SOTI, INC.
Defendant.**

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Civil Action No. 2:18-CV-00156

JURY TRIAL DEMANDED

DECLARATION OF JOBY A. HUGHES

Pursuant to 28 U.S.C. § 1746, I, Joby A. Hughes, declare as follows:

1. My name is Joby A. Hughes. I am over the age of 21. I have never been convicted of a felony, and I have personal knowledge of the facts contained herein, which are true and correct. I am fully qualified and competent to make this Declaration. If called as a witness, I could competently testify to these statements.

2. I am Vice President of Legal Affairs for WPEM, LLC. I am also of counsel with the law firm of Ramey & Schwaller, LLP, located in Houston, Texas.

3. My duties for WPEM include the management of all litigation involving the ‘762 patent.

4. Mr. Taylor approached Ramey & Schwaller in December of 2017 for representation in potential patent infringement cases involving the ‘762 patent.

5. From December of 2017 to February of 2018, I and Ramey & Schwaller, along with Mr. Taylor, charted the claims of the ‘762 patent to the then current version of the SOTI MobiControl User Manual. It was our opinion that SOTI MobiControl infringed the claims of the ‘762 patent. The charts ultimately became Plaintiff’s infringement contentions.

6. I did not look at any materials from the SOTI website beyond the then current version of the SOTI MobiControl User Manual. As the corporate representative of WPEM, I confirm, as I testified, that no one at WPEM had knowledge of any other version of SOTI MobiControl than the one charted for the infringement contentions.

7. I and WPEM only became aware of Version 10 of SOTI, Inc.'s SOTI MobiControl on August 17, 2018 when counsel for SOTI informed Mr. Ramey of its existence. Ramey & Schwaller then performed diligence that included a review of an executable of version 10. That executable was not provided until September 25, 2018. Mr. Taylor, an owner of WPEM, authorized dismissal of the lawsuit no later than October 25, 2018 which was communicated to counsel for SOTI that same day.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Harris County, State of Texas, on December 3, 2019.

/s/ Joby A. Hughes
Joby A. Hughes, DECLARANT